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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Matthias ERNST et al.**

Art Unit: **3621**

Application Number: **10/563,230**

Examiner: **Jacob C. Coppola**

Filed: **June 23, 2006**

Confirmation Number: **6432**

For: **METHOD AND DEVICE FOR TRANSMITTING DECRYPTION
CODES OF FREELY TRANSMITTED, ENCRYPTED PROGRAM
CONTENTS TO CLEARLY IDENTIFIABLE RECEIVERS**

Attorney Docket Number: **053512**

Customer Number: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

December 8, 2008

Sir:

This paper is submitted in response to the Office Action dated November 7, 2008, and having a response due date set for Sunday, December 7, 2008.

In the Office Action, restriction is required between Group I (claims 1-11), Group II (claims 12-18), Group III (claims 20-24) and Group IV (claims 25-35).

In the Office Action, restriction is required between Group I (claims 1-11), Group II, (claims 12-18) Group III, (claims 20-24) and Group II, (claims 25-35).

Applicant provisionally elect Group I (claims 1-11) **with traverse**.

The present application is a national stage application and the unity of invention standard must be applied. However, the restriction requirement is not based on the unity of invention.

Groups I and III recite a method and an apparatus, wherein both the method and the apparatus are directed to the same invention of transmitting decryption codes for freely

transmitted encrypted program contents, wherein billing data are established on the basis of network terminating units, in particular the calling party number, the called number of a service provider, and information about the requested program content.

The method defines an establishing step, while the apparatus provides for a unit for storing and/or forwarding billing data consisting of the above mentioned data. The common inventive concept therefore lies in acquiring/being able to acquire and using/being able to use the above mentioned specific data as explained above for billing purposes and for the transmission of decryption codes for freely transmitted encrypted program contents.

Also, groups II and IV have a common inventive concept with groups I and III, as the similar data again comprising the network terminating units, in particular the calling party number and the called number of a service provider are used (to evaluate whether registered access rights are given) in connection with the transmission of decryption codes for freely transmitted encrypted program contents.

The common inventive features for all groups of claims thus lie in acquiring/being able to acquire and using/being able to use specific data related to network terminating units, in particular the calling party number, the called number of a service provider in combination with the transmission of decryption codes for freely transmitted encrypted program contents.

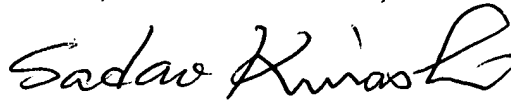
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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Sadao Kinashi", with a stylized flourish at the end.

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